

Service Date: September 28, 2004

FINAL ORDER NO. 6554

DEPARTMENT OF PUBLIC SERVICE REGULATION
MONTANA PUBLIC SERVICE COMMISSION
P.O. Box 202601
Helena, Montana 59620-2601

IN THE MATTER OF Lewis & Clark Transit)	
System LLC , White Sulphur Springs, Montana,)	Docket No. T-04.48.PCN
Application for a Montana Intrastate Certificate of)	Order No. 6554
Public Convenience and Necessity.)	

The Commission, being fully advised in the premises, makes the following findings, conclusions and order:

FINDINGS OF FACT

1. On July 20, 2004, **Lewis & Clark Transit System LLC**, White Sulphur Springs, Montana, filed an application with the Montana Public Service Commission under Title 69, MCA, for a Certificate of Public Convenience and Necessity authorizing transportation of the following:

Class B – Passengers between all points and places in White Sulphur Springs, Montana and a 175 mile radius. **LIMITATION:** Transportation must originate or terminate in Meagher County, Wheatland County, Clyde Park, Montana or Wilsall, Montana.

2. In accordance with Section 69-23-321, MCA, this matter was noticed to the public August 2, 2004. That notice said in pertinent part:

If no written protests are received by August 21, 2004, a hearing may not be held and a final order may be issued in this Docket. If a protest is received, a hearing will be scheduled. Individual notice of the hearing will be given only to Protestants and Applicant.

The application included affidavits of support.

3. Protest was filed by V.I.P. Taxi, Inc., Livingston, Montana.

4. The protestant withdrew from the docket prior to a public hearing being scheduled.

5. The record of this application is available for inspection at the Public Service Commission Office, 1701 Prospect Avenue, P.O. Box 202601, Helena, Montana 59620-2601.

CONCLUSIONS OF LAW

1. The Montana Public Service Commission properly exercises jurisdiction over the parties and subject matter in this proceeding.

2. The Commission afforded all parties interested in this proceeding proper notice and an opportunity to participate.

3. Public Convenience and Necessity require a grant of the authority sought by the Applicant.

ORDER

NOW THEREFORE, at a session of the Public Service Commission, Department of Public Service Regulation of the State of Montana, held in its offices at 1701 Prospect Avenue, Helena, Montana, on Tuesday, the 21st day of September, 2004, there being present a quorum of Commissioners, there came regularly before the Commission for final action the matters and things in Docket No. T-04.48.PCN, and the Commission being fully advised in the premises;

IT IS ORDERED by the Commission that the application of **Lewis & Clark Transit System LLC**, White Sulphur Springs, Montana, for a Certificate of Public Convenience and Necessity IS GRANTED to the following extent:

Class B – Passengers between all points and places in White Sulphur Springs, Montana and a 175 mile radius. LIMITATION: Transportation must originate or terminate in Meagher County, Wheatland County, Clyde Park, Montana or Wilsall, Montana.

IT IS FURTHER ORDERED that a full, true, and correct copy of this order be sent forthwith by first class mail to the applicant and all parties herein.

THE FOREGOING ORDER was adopted by the Department of Public Service Regulation of the State of Montana, Public Service Commission, IN OPEN SESSION at Helena, Montana, this 21st day of September, 2004, by a vote of 5-0.

BY ORDER OF THE MONTANA PUBLIC SERVICE COMMISSION.

BOB ROWE, Chairman

THOMAS J. SCHNEIDER, Vice Chairman

MATT BRAINARD, Commissioner

GREG JERGSON, Commissioner

JAY STOVALL, Commissioner

ATTEST:

Connie Jones
Commission Secretary

(SEAL)

NOTE: Any interested party may request the Commission to reconsider this decision. A motion to reconsider must be filed within ten (10) days. See 38.2.4806, ARM.

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the Final Order issued in Docket T-04.48.PCN in the matter of **Lewis & Clark Transit System LLC**, White Sulphur Springs, Montana has today been sent to all parties listed.

MAILING DATE: September 28, 2004

FOR THE COMMISSION

FIRST CLASS MAIL

Lewis & Clark Transit System LLC
PO Box 753
White Sulphur Springs, MT 59645

AS ITS INTERESTS MAY APPEAR:

Montana Consumer Counsel
616 Helena Avenue
P.O. Box 201703
Helena, MT 59620-1703